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PATENT

Case Docket No. ELITRA.006A

Date: August 1, 2002

Page 1

#11

Applicant : Zyskind, et al.  
App. No. : 09/630,931  
Filed : August 2, 2000  
For : CHITOBIASE AS A  
REPORTER ENZYME  
Examiner : M. Rao  
Art Unit : 1652

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*Daniel Hart*  
Daniel Hart, Reg. No. 40,637

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

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OFFICE OF PETITIONS

Sir:

Transmitted herewith in the above-identified application:

- (X) Petition to Withdraw Holding of Abandonment.
- (X) Docket Record dated July 29, 2002 in 2 pages.
- (X) Check in the amount of \$130 for Petition Fee.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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*Daniel Hart*

Daniel Hart

Registration No. 40,637

Attorney of Record



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Examiner : Rao, M.

) Group Art Unit 1652

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) August 1, 2002

) (Date)

) *Daniel Hart*

) Daniel Hart, Reg. No. 40,637

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT RECEIVED

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

AUG 09 2002

OFFICE OF PETITIONS

Dear Sir:

This is a petition to withdraw holding of abandonment because Applicants' representative did not receive a Restriction Requirement which the P.T.O. believes was mailed on November 28, 1001. Withdrawal of a holding of abandonment upon a proper showing of failure to receive an Office Action is permitted under M.P.E.P. § 711.03(c)(II) and is in accordance with *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513 (D.D.C. 1971). This petition provides the showing, as set out in 1156 OG 53, that is required to establish the nonreceipt of an Office Action.

A Notice of Abandonment, which was mailed on July 12, 2002, was received by the Attorney of Record on July, 19, 2002, in connection with the above-identified case. The Notice stated that Applicant failed to reply to an Office Action mailed on November 28, 2001, within the statutory period allowed for response.

The undersigned Attorney of Record hereby submits that the Office Action that was mailed on November 28, 2001 was never received. This Office Action was not found to be present in the file jacket of the above-identified case. Additionally, a search of the docket records for this case revealed no receipt of this Office Action. Enclosed herewith is a copy of the docket record, indicating where the non-received Office Action would have been entered had it

Appl. No. : 09/630,931  
Filed : August 2, 2000

been received and docketed. Specifically, a Restriction Requirement mailed on November 28, 2001, would have appeared on the docket record in the column entitled "List of User Actions" with a "Due Date" of December 28, 2001.

The above showing meets the requirements set out in 1156 OG 53 and M.P.E.P. § 711.03(c)(II). Accordingly, Applicant respectfully requests withdrawal of the holding of abandonment in the above-identified case. Upon withdrawal of the holding of abandonment, Applicant further requests that prosecution of the instant application be expeditiously resumed.

Applicant believes that no fee is associated with this petition to withdraw holding of abandonment. However, if it is found that a fee is required please treat this petition as a petition to revive due to unavoidable delay under 37 C.F.R. § 1.137(a) and charge any additional fees to Deposit Account No. 11-1410. If such fee is insufficient, please treat this petition as a petition to revive due to unintentional delay under 37 C.F.R. § 1.137(b) and charge any additional fees to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug 1, 2002

By: Daniel Hart

Daniel Hart  
Registration No. 40,637  
Attorney of Record  
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(619) 235-8550

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Monday, July 29, 2002

## Country Application

Case Number: **ELITRA.006A**

Country: US United States of America

NP Instr. Date:

Case Type: ORD

SubCase:

**RECEIVED**

Application Number: 09/630931

Filing Date: 02-Aug-2000

Status: **Pending**

AUG 14 2002

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Expir. Date: **TECH CENTER 1600/2900**

Entity: LE

Abandoned Date:

Agent:

Client: ELITRA

Prosecuting

Agent Ref#:

Tax Due Date:

Priority Date:

Annuity Number:

Bar Code Date: **RECEIVED**

Priority Number:

Tax Start Date: **AUG 09 2002**

Assignee: SAN DIEGO STATE UNIVERSITY FOU

Inventors: ZYSKIND, JUDITH W.

Invention Attorney(s): NAI

DOH **OFFICE OF PETITIONS**Title: **CHITOBIASE AS A REPORTER ENZYME**

Remarks:

User ID: KAM

Date Created: 24-Jul-2000

Last Update: 22-Jul-2002

**List Of User Actions**

Action(s) Due	Due Date	Indicator	Action Taken
File Petition to Revive Due	12-Jul-2003	Final	
File Petition to Revive?	12-Sep-2002	Due Date	
STATUS CHECK	02-Aug-2002	Reminder	
Postcard Recvd?/IDS	02-Apr-2002	Reminder	29-Jan-2002
Application Status Check	02-Feb-2002	Due Date	11-Jan-2002
Postcard Received?	21-Nov-2001	Reminder	27-Aug-2001
POSSIBLE IDS	23-Oct-2001	Final	21-Aug-2001
Rev Intl Srch Rpt/File IDS?	22-Aug-2001	Due Date	21-Aug-2001
Foreign Filing Due	02-Aug-2001	Final	18-Jul-2001
FOREIGN FILE?	27-Jul-2001	Reminder	18-Jul-2001
POSTCARD REC'D?	11-Jul-2001	Reminder	23-Apr-2001
Information Dis Follow Up Date	27-Jun-2001	Due Date	27-Dec-2000
US-MISS PART 2 Follow Up Date	20-Jun-2001	Due Date	20-Dec-2000
*L/C F/F 10 MON	02-Jun-2001	Due Date	
ASSIGN REC'D?	20-May-2001	Due Date	20-Mar-2001
IDS DUE-6TH EXT	02-May-2001	Due Date	11-Apr-2001
FINAL MSNG PRTS	20-Apr-2001	Final	20-Dec-2000
MISS PART 3 EXT	20-Mar-2001	Due Date	20-Dec-2000
POSTCARD REC'D?	20-Mar-2001	Reminder	05-Jan-2001
POSTCARD REC'D?	20-Mar-2001	Reminder	17-Jan-2001
MISS PART 2 EXT	20-Feb-2001	Due Date	20-Dec-2000
FILING RECEIPT RECVD?	02-Feb-2001	Reminder	25-Oct-2000
Foreign Filing Reminder	02-Feb-2001	Due Date	02-Feb-2001
REC'D M/PARTS?	02-Feb-2001	Due Date	25-Oct-2000
MISS PART 1 EXT	20-Jan-2001	Due Date	20-Dec-2000
MISSING PARTS	20-Dec-2000	Due Date	20-Dec-2000

## Country Application

Monday, July 29, 2002

Information Disclosure Stmtnt	02-Nov-2000	Due Date	27-Dec-2000
POSTCARD REC'D?	02-Nov-2000	Reminder	14-Aug-2000